



June 27, 2016

Sent Via Facsimile (916) 227-6282

Jill Y. Sewell, Office Chief  
Department of Transportation  
Division of Engineering Services  
MS 43 Office Engineer  
1727 - 30<sup>th</sup> St  
P.O. Box 168041  
Sacramento, CA 95816-8041

Re: Caltrans Contract No. 07-2849U4

**Bid Date June 1, 2016 – BID PROTEST Response Re:Beador Construction  
Company, Inc.**

Mrs. Sewell

SEMA Construction, Inc. (SEMA) is in receipt of your letter dated June 24, 2016 and received by SEMA on June 27, 2016. Per your letter: *"Caltrans confirms that the bid bond was originally delivered to Caltrans by Golden State Overnight (GSO) Delivery Service on June 1, 2016, and received at 9:49am. However, the package was inadvertently rerouted back to the sender and returned to Caltrans by GSO on June 2, 2016, at 9:44am. This was an inadvertent error caused by Caltrans, and Caltrans agreed to accept as proof, the delivery confirmations submitted by Beador."*

Heavy and Highway  
General Contractors

320 Goddard  
Suite 150

Irvine  
California  
92618

SEMA requests Caltrans reconsider their position in this matter, based upon the following:

(949) 470-0500  
Fax: (949) 788-9200

Per CA Public Contract Code – Under Contracting with State Agencies:

10167. (a) All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security:

(1) An electronic bidder's bond by an admitted surety insurer submitted using an electronic registry service approved by the department advertising the contract.

(2) A signed bidder's bond by an admitted surety insurer received by the department advertising the contract.

(3) Cash, a cashier's check, or certified check received by, and made payable to, the director of the department advertising the contract.



(b) The required bidder's security shall be in an amount equal to at least 10 percent of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it.

(c) All bids submitted pursuant to this section shall also comply with the provisions of Section 1601 of the Public Contract Code.

Per the CA Public Contract Code, as shown above:

1. 10167 (a) *"All bids shall be presented under sealed cover and **accompanied** (emphasis added) by one of the following forms of bidder's security:"*  
Beador's bid was not accompanied by a bidder's security, as is quite clear in this case.
2. 10167 (b) *"A bid **shall not be considered** (emphasis added) unless one of the forms of bidder's security **is enclosed with it** (emphasis added)." Beador's bid security was not enclosed with its bid and as such per the Public Contract Code Beador's bid should not have been considered at bid opening. It appears that the only way Beador would and or could comply with its bid bond being enclosed with its bid per Public Contract Code, is to submit an electronic bidders bond. This did not occur, as is quite clear in this case.*

SEMA once again requests Caltrans for the reasons stated above find Beador non-responsive. As the lowest responsive responsible bidder SEMA Construction, Inc. stands ready to perform the contract.

Heavy and Highway  
General Contractors

For any questions, please call (949) 470-0500 at your convenience.

320 Goddard  
Suite 150

Irvine  
California  
92618

Respectfully,

A handwritten signature in dark ink, appearing to read "JC", written over a circular stamp or seal.

Joshua P Clyne  
Senior Vice President

(949) 470-0500  
Fax: (949) 788-9200